

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
BUREAU OF POLICY AND MANAGEMENT**

**In Re: Acadia Aqua Farms, LLC
Standard Lease Application**

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Procedural Order

A prehearing conference on the above referenced matter was held remotely on January 4, 2022 at 1:00 p.m. In consideration of the issues raised during the conference and pursuant to Chapter 2.29 of the Department of Marine Resources regulations, the Department issues the following procedural order:

1. Hearing: The hearing will commence on February 9, 2022 at 5:00 p.m., and end at approximately 9:30 p.m. The hearing will continue as necessary on February 10, 2022; and February 17, 2022. Any continued hearing will commence at 5:00 p.m. and end at approximately 9:30 p.m. The 9:30 p.m. end time is an estimate and may be extended by the Hearings Officer, during the proceeding, if necessary. Anyone wishing to ask questions of the parties or provide testimony must register with the Department no later than 4:00 p.m. on January 25, 2022. The registration requirement applies regardless of whether persons are applying for intervenor status. Legal counsel, proposed witnesses, and the applicant should also register for the hearing, so the Department can ascertain the number of persons who may attend the hearing.

A. Hearing format: The hearing will be conducted in-person at the Bar Harbor Municipal Building (Town Council Chambers).

2. Intervention: Interested persons shall file an application to intervene with the Department no later than 4:00 p.m. on January 25, 2022. Acadia Aqua Farms, LLC shall file any objections to applications for intervenor status with the Department and applicable intervenor applicants no later than 5:00 p.m. on January 26, 2022. Intervenor applicants shall file their reply to Acadia Aqua Farms, LLC and the Department no later than 5:00 p.m. on January 27, 2022. The Department will issue a final decision on intervenor applications no later than 12:00 p.m. on January 31, 2022. The Department may, in its discretion, consolidate and/or limit the participation of intervenors. If consolidation occurs, a single filing will be required of the group rather than each individual or entity assigned to the group submitting their respective filing(s).

3. Pre-filing of exhibits, issues, expert, and supplemental witnesses:

A. Exhibits: All proposed exhibits shall be filed electronically with the Department and all other parties no later than 12:00 p.m. on February 2, 2022. Electronic filing means that the proposed exhibits are sent via email or shared using an electronic platform that all parties can access.

1. Marking Proposed Exhibits: All proposed exhibits shall be pre-marked with the name of the person or entity submitting the exhibit and numbered. For example, a proposed exhibit filed by John Smith would be labeled: John Smith, 1. Any proposed exhibits that persons intend to display during the proceeding shall be designated as such. For example, if John Smith intended to display a proposed exhibit it would need to be labeled: John Smith, 1 (Display). Proposed exhibits that need to be displayed must be ready for

presentation, meaning that pages and documents are oriented to display correctly and that the file is in a format that can be readily shared.

2. Proposed Exhibit Format: Individual exhibits must be single sided and no more than 20 pages in length. If an exhibit exceeds 20 pages in length, that exhibit needs to include a justification explaining why more than 20 pages is necessary. Unless sufficient justification is provided, exhibits exceeding the page limitation will be excluded. All proposed exhibits must be readily accessible and reproducible. Proposed exhibits that only include hyperlinks to materials or documents will be excluded.

3. Objections to Proposed Exhibits: Parties are required to file objections to proposed exhibits no later than 5:00 p.m. on February 7, 2022. Failure to file objections by the deadline constitutes a waiver of all objections to pre-filed exhibits. The Department will rule on admissibility of exhibits for which an objection has been filed before the hearing record is closed.

B. Filing of Issues: Parties are required to pre-file issues no later than 5:00 p.m. on February 4, 2022. The filing of issues is limited to 5 single sided pages. The filing needs to be concise and provide a summary outline of the issues each party will address during the proceeding.

C. Designation of Expert Witness(es): Parties must file a list of expert witness(es) and their testimony no later than 5:00 p.m. on February 2, 2022. The filing must include a summary of the expert's professional/educational credentials regarding the matter or matters they may address during the proceeding. It is expected that expert witnesses attend the hearing in person and are available on all alternate days. If the expert

witness cannot reasonably attend the hearing, in-person, the filing must specify as such and explain why the expert is unable to attend in-person. The Department will issue a decision concerning accommodations no later than 5:00 p.m. on February 3, 2022.

D. Designation of Supplemental Expert Witness: Any supplemental expert witness designation must be filed with the Department and other parties no later than 5:00 p.m. on February 4, 2022. The parties may designate a supplemental expert witness to rebut opinions contained in the expert testimony pre-filed by another party. The filing must contain a summary of the supplement expert's professional/educational credentials and a concise summary of the opinions the supplemental expert intends to rebut. It is expected that supplemental expert witnesses attend the hearing in-person and are available on all alternate days. If the supplemental witness cannot reasonably attend the hearing, in-person, the filing must specify as such and explain why the supplemental expert is unable to attend in-person. The Department will issue a decision concerning accommodations no later than 5:00 p.m. on February 3, 2022.

4. Time Limits for Testimony and Cross-Examination: The Hearings Officer shall determine testimony and cross-examination time limits for each party. Members of the public cannot cross-examine one another. All parties shall be notified of applicable time limits no later than 12:00 p.m. on February 7, 2022.

5. Failure to Comply with Procedural Order: It is the responsibility of each party to file by applicable deadlines in the manner specified. Any failure to comply with what is specified above may, at the discretion of the Hearings Officer, result in the exclusion of evidence.

6. Communication: Questions related to this matter, including general hearing related inquiries should be sent to DMRaquaculture@maine.gov. Typical business days/hours are Monday-Friday 7:30 a.m.-5:00 p.m. Inquiries are generally responded to within two business days or less. Please note that response times may vary depending upon the nature of the inquiry.

Dated: January 11, 2022



Amanda Ellis, Hearings Officer